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Security Council

Sixty-fourth year

Provisional

6247th meeting

Thursday, 17 December 2009, 10.25 a.m.

New York

President:	Mr. Kafando	(Burkina Faso)
Members:	Austria	Mr. Mayr-Harting
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	France	Mr. Bonne
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Shalgham
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice
	Viet Nam	Mr. Bui The Giang

Agenda

Threats to international peace and security caused by terrorist acts

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The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/647, which contains the text of a draft resolution submitted by Austria, Burkina Faso, Croatia, France, Japan, Mexico, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1904 (2009).

I shall now give the floor to those members of the Council who wish to make statements after the voting.

Mr. Mayr-Harting (Austria): More than four years ago, the World Summit called upon this Council to provide for fair and clear listing and de-listing procedures for individuals and entities on sanctions lists.

As Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) during the past year, I have witnessed some of the shortcomings of the present system. I am also aware of the growing number of cases filed by listed individuals and entities before national and regional courts in various parts of the world. I can therefore also appreciate how very substantially Security Council resolution 1904 (2009) improves the procedures under the sanctions regime under resolution 1267 (1999) in terms of due process. For the first time ever, individuals and entities seeking a de-listing will have a chance to present their cases to an independent and impartial ombudsperson, to be appointed by the Secretary-General.

In the new resolution, the Council calls on Committee members to make every effort to provide their reasons when objecting to a de-listing request. It also directs the ombudsperson to forward to petitioners all information about a negative decision provided by the Committee, including explanatory comments. Furthermore, it instructs the Committee to conduct a comprehensive review of all pending issues so as to resolve them, to the extent possible, by the end of 2010. For these and many other reasons, I believe that resolution 1904 (2009) represents a significant step forward in improving the fairness and transparency of the sanctions regime under resolution 1267 (1999), thus enhancing both its effectiveness and its legitimacy.

My delegation would like to thank the United States as the main sponsor of the resolution, as well as the other sponsors and all the members of the Council, for their strong engagement in this very important matter. At the same time, special thanks are due to many other United Nations Member States that have actively supported this process over many years, in particular the group of like-minded States and the friends of the rule of law. I would also like to pay a special tribute to our Belgian predecessors in the chair of the 1267 Committee, who paved the way for today's decisions.

Much will depend on the practical implementation of this resolution, especially on the appointment of an eminent ombudsperson with the highest qualifications in fields such as law, human rights, counter-terrorism and sanctions. This is a work in progress. This is a case where the decision of the Council to remain actively seized of the matter is of particular significance. Therefore, my delegation very much hopes that the Council will continue to show an active interest in the state of the overall work of the 1267 Committee. To that end, the biannual reports of the Committee to the Council can prove to be a very useful instrument.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): Costa Rica voted to adopt Security Council resolution 1904 (2009) because we recognize that collective measures are effective in preventing and eliminating threats to peace. However, as is well known, my delegation has advocated the provision of the necessary procedural safeguards for including people and entities on the Consolidated List with the single purpose of strengthening the regime established by resolution 1267 (1999).

In this context, we are pleased with the improvements included in the resolution adopted today concerning the sanctions regime, and we think that this is a step in the right direction. We trust they will be rapidly implemented. We are particularly pleased to see the designation of an ombudsperson, providing for the possibility of interaction between the person in question and the Member States and relevant United Nations bodies. We would have preferred the ombudsperson to be able to issue recommendations, but we consider that his or her comments will reflect to some degree the results of their investigations. We hope that in the future we will achieve a sufficient consensus to incorporate new improvements into the sanctions regime established by this resolution.

For the last few months Costa Rica has worked with the informal Group of Like-minded Countries: Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, Netherlands, Norway, Sweden and Switzerland. The Group is pleased with the adoption of this resolution and expresses its gratitude to the Security Council for taking this important step, with the aim of implementing fair and clear procedures for including people and institutions on the sanctions list and for withdrawing them, as well as for exceptions authorized for humanitarian reasons, in accordance with the outcome document of the World Summit of 2005 (General Assembly resolution 60/1). The Group acknowledges that the improvements in the legal procedures serve as an acknowledgement of the concerns expressed by national and regional courts regarding the fundamental rights of sanctioned people and institutions, and that the new procedures adopted strengthen the sanctions regime.

The President (*spoke in French*): There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on the agenda. The Council will remain seized of the matter.

The meeting rose at 10.35 a.m.